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7 Counsel for Defendants

8  
9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
11

12 REZA KHOSRAVANI,

13 Plaintiff,

14 v.  
15

16 MICHAEL CHERTOFF, Secretary,  
Department of Homeland Security; EMILIO  
17 GONZALEZ, Director of U.S.C.I.S; PAUL  
PIERRE, District Director of U.S.C.I.S.;  
18 MICHAEL MUKASEY, U.S. Attorney  
General,

19  
20 Defendants.  
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Case No. 08cv0220-W (CAB)

NOTICE OF MOTION AND MOTION BY  
DEFENDANTS TO DISMISS OR  
ALTERNATIVELY, TO REMAND TO U.S.  
CITIZENSHIP AND IMMIGRATION SERVICES

Date: May 12, 2008

Time: 10:30 a.m.

Crtrm: 7

The Honorable Thomas J. Whelan

**No Oral Argument Pursuant to Local Rule**

22 **TO THE COURT AND PLAINTIFF THROUGH COUNSEL:**

23 Please take notice that on the date set forth above or as soon thereafter as counsel may be heard,  
24 in the courtroom of the Honorable Thomas J. Whelan, federal Defendants, through their attorneys of  
25 record, Karen P. Hewitt, United States Attorney, and Megan Callan, Assistant U.S. Attorney, will bring  
26 on their motion to dismiss Plaintiff's Complaint under Federal Rule of Civil Procedure 12(b) or  
27 alternatively to remand the above captioned matter to United States Citizenship and Immigration Service  
28 ("USCIS"). Plaintiff need not appear for oral argument unless requested by the Court.

1 This motion to dismiss is based on the grounds that the Court lacks subject matter jurisdiction  
2 over the Complaint and that Plaintiff has failed to state a claim upon which relief may be granted. The  
3 alternative motion to remand to USCIS is based on the grounds that the necessary background  
4 investigations related to Plaintiff's application for naturalization are ongoing and that USCIS is in the  
5 best position, once those investigations are complete, to rule upon Plaintiff's application for  
6 naturalization in the first instance.

7 This motion is based on this Notice, the accompanying Memorandum of Points and Authorities,  
8 Plaintiff's Complaint, the Court's files and records in this and pending related actions, and any other  
9 matter the Court may consider at oral argument or otherwise.

10 Dated: April 7, 2008

Respectfully submitted,  
KAREN P. HEWITT  
United States Attorney

11  
12 s/ Megan Callan

13 MEGAN CALLAN  
14 Assistant U.S. Attorney  
15 Counsel for Defendants  
16 Email: Megan.Callan@usdoj.gov  
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